

Minutes
Bar Harbor Planning Board
August 19, 2009
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:00 p.m.

Members Present: Kevin Cochary, Chair; Lynn Williams, Vice Chair; Buck Jardine, Secretary; Kay Stevens-Rosa, member. Also present: Anne Krieg, Planning Director; Brian Madigan, Staff Planner; Lee Bragg, Town Attorney.

II. EXCUSED ABSENCES

There were none.

III. ADOPTION OF THE AGENDA

Ms. Williams moved to adopt the agenda as written. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

August 5th Minutes

Ms. Williams moved to approve the minutes as read. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Continuation of a Public Hearing – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113-118, 122, 123, 143, 144, 146, 147, 149

Applicant: North South Construction Inc.

Application: Hotel and Accessory Uses

Mr. Moore, a representative for the applicant, provided a summary of the Topographic Survey which was submitted to the Planning Department on August 17, 2009.

The Board stated that while they would accept and allow Mr. Moore to give an overview of the Topographic Survey, they would not make any formal decisions based upon the survey during the meeting tonight.

Mr. Moore stated that the recent fill added to the site had raised the mean original grade one twentieth of an inch. He added that the average height of the site is 24.104 above sea level.

The Board reviewed the definition of height. Mr. Bragg stated the hotel building would be considered one building and the parking structure another.

The Board and the applicant then discussed the results of the Parking and Traffic Committee Meeting which had taken place earlier the same day. Ms. Krieg provided a summary of the recommendations the Committee made during their meeting. She stated that the Board recommended Rodick Street be made two way from West Street to York Street. She added that due to the technical questions regarding the use of Lennox Place, the Committee recommended the Council require the applicant to conduct a traffic study. The traffic study should analyze the impacts the Hotel would have on the other streets, surrounding businesses loading areas and their access to easements. Ms. Krieg stated that the Board can determine if they want the applicant to complete the study now if they believe it would contribute to their review of the project. Alternatively, the Board could forego review of the study and wait until Council reviews the project.

The Board debated whether or not they should require the applicant to complete the study.

Mr. Collier, an attorney for Mr. Richard Leiser, an abutting property owner, stated several concerns related to easement and access issues. He added that his client wished to see their easements and access rights preserved.

Ms. Krieg stated that the CEO met with the applicant to count the number of spaces at the Harborside Hotel. The site visit revealed that the 18 spaces on West Street were not needed.

Ms. Williams stated that she would like to see the traffic study before making any formal comments on Lennox Place. She added that she has concerns with number of cars potentially stacking on to West Street. She added that the traffic study should look at trips in the busy season to predict how the cars could stack on West Street during busy season. Ms. Stevens-Rosa concurred. Mr. Jardine added that he would like the traffic study to account for where the cars will be going once they arrive at the hotel, particularly because there are not enough actual on the ground parking spaces for each of the hotel rooms.

Mr. Hamilton asked the Board to clarify when they will make a formal decision for this project. The applicant stated they would like a more defined deadline for the review of the application.

Ms. Krieg asked the applicant to submit comparable data for a similar hotel in an urbanized condition.

Mr. Bragg requested an overlay of the proposed building on the existing ground.

Ms. Williams moved to continue the public hearing to the September 2, 2009 hearing. Mr. Jardine seconded the motion. The Board voted unanimously to approve the motion.

B. Public Hearing – Land Use Ordinance and Map Amendments for November 3, 2009 Town Meeting. Home Occupation

Ms. Krieg stated the Land Use Ordinance requires the Planning Board to act on each article to recommend whether or not they feel the ordinance should pass or ought not to pass. This recommendation appears on the Town Meeting Ballot.

Ms. Williams moved that the Home Occupation ordinance ought to pass. Mr. Jardine seconded the motion. The Board voted unanimously to approve the motion. Mr. Cochary then asked if there were in public comment. There was none.

C. Public Hearing – Land Use Ordinance and Map Amendments for November 3, 2009 Town Meeting. Shoreland Zoning (Includes Map Amendment)

Ms. Williams moved that the Shoreland Zoning Ordinance ought to pass. Ms. Stevens- Rosa seconded the motion. The Board voted unanimously to approve the motion.

D. Public Hearing – Land Use Ordinance and Map Amendments for November 3, 2009 Town Meeting. Traffic

Mr. Jardine moved that the amended traffic ordinance ought to pass. Ms. Williams seconded the motion and the Board voted unanimously to approve the motion.

E. Public Hearing – Land Use Ordinance and Map Amendments for November 3, 2009 Town Meeting. Wind Turbine

Ms. Krieg stated that this ordinance provides direction for residents seeking to construct wind turbines on their property. Ms. Krieg clarified that if the state were to change noise standards for wind towers, the Town would have to change local ordinances to match.

Linda Martin, a concerned citizen, commented that no one really knows what the effect(s) of long term noise, vibration, and flicker caused by wind turbines might be. She urged the Board to consider this before endorsing the project.

Ms. Williams stated she was in favor of passing the ordinance so that the Town has some protections in the ordinance. The Board echoed Ms. Williams's comments. The Board generally agreed that the ordinance would likely be refined in the future. There was no further public comment.

Mr. Jardine moved that the Wind Turbine Ordinance ought to pass. Ms. Williams seconded the motion and the Board voted unanimously to approve the motion.

F. Public Hearing – Land Use Ordinance and Map Amendments for November 3, 2009 Town Meeting. Design Review Board Jurisdiction to Town Hill Business

Ms. Williams moved that augmenting the current Design Review Board Jurisdiction to include the Town Hill Business District ought to pass. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

G. Stormwater Management Modification:

Ms. Krieg stated that although the ordinance was not on the Agenda, it had been sent out in the formal notification. Mr. Cochary asked if the Board had any objections to voting on the order even though it was not the agenda. The Board agreed that they felt comfortable voting on the Order.

Ms. Williams moved that the Storm Water Management Order ought to pass. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

VI. OTHER BUSINESS

A. Discussion of Planning Board Rules and Procedures

The Board reviewed their Rules and Procedures line by line and made recommendations for modifications.

B. Discussion of Street Ordinance

This discussion was postponed pending submission by staff.

VII. PLANNING DIRECTOR'S REPORT

A. Conservation Commission Work Plan

Ms. Krieg stated she would relay the Conservation Commission Work Plan to the Planning Board for their review.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

IX. ADJOURNMENT

Ms. Williams moved to adjourn the meeting. Mr. Jardine seconded the motion. The meeting was adjourned at 9:15pm.

Minutes prepared by Staff Planner Brian Madigan for Planning Board review at their September 2, 2009 meeting

Signed as approved:

Clyde L. Jardine, Jr., Secretary
Planning Board, Town of Bar Harbor

Date